

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: MALENA GAIL CRIPE,	{ CHAPTER 13
	{
	{
DEBTOR(S)	{ CASE NO. R21-41288-BEM
	{
	{ JUDGE ELLIS-MONRO

OBJECTION TO CONFIRMATION

COMES NOW K. EDWARD SAFIR CHAPTER 13 TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.
2. The Debtor(s) has proposed to make payments directly to the Trustee but should be required to have them remitted by payroll deduction.
3. As unsecured creditors may receive less than in a Chapter 7 liquidation, the plan may not conform to 11 U.S.C. Section 1325(a)(4).
4. The Chapter 13 petition and schedules fail to disclose a possible claim against landlord, in violation of 11 U.S.C. Section 521.
5. Due to a change in circumstances since filing, Schedules I and J do not correctly reflect the current financial situation, thereby preventing the Trustee from evaluating feasibility, 11 U.S.C. Section 1325(a)(6).
6. Schedule I (Income) may fail to accurately reflect new employment since original Schedules filed, in violation of 11 U.S.C. Section 1329 and Bankruptcy Rule 1007.
7. Pursuant to testimony from the Meeting of Creditors, it appears that the Chapter 13 petition no longer references the current mailing address of the Debtor(s).

K. Edward Safir, Chapter 13 Trustee
285 Peachtree Center Ave, NE
Suite 1600
Atlanta, GA 30303
(404) 525-1110
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8. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e) (2) (A) (i). Therefore, the Trustee requires that the Debtor(s) provide the Trustee with a sworn statement by the Debtor(s), in addition to the tax return, which states that the tax return provided is a true copy of the most recent tax return filed.

9. The Debtor has not filed copies of all payment advices or other evidence of payments received within sixty (60) days before the date of the filing of the petition as required by 11 U.S.C. §521(a) (1) (B) (iv) and Rule 1007(b) (1) (E) F.R. Bankr. P; specifically, the Trustee request the Debtor's last 60 days of the federal tax return or transcript.

10. The Chapter 13 Plan fails to provide the purchase date and correct value for the claim of Americredit Financial Services, Inc. d/b/a GM Financial, preventing the Trustee from properly administering this plan.

11. The Chapter 13 budget included with the schedules reflect a monthly disposable income of \$250.00; however, only \$170.00 per month is proposed to be remitted to the plan, thereby indicating a lack of good faith in proposing the instant repayment plan, 11 U.S.C. Section 1325(a) (3).

12. The Debtor(s)' Statement of Financial Affairs is inaccurate and/or incomplete; the Trustee is unable to determine the feasibility of the proposed plan. 11 U.S.C. Section 1325(a) (6); specifically, question 4 omits 2020 and 2021 year to date income.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's (s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

/s/
K. Edward Safir,
Chapter 13 Trustee
GA Bar No. 622149

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R21-41288-BEM

CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

MALENA GAIL CRIPE
736 BISHOP POND ROAD
LOT H
CHATSWORTH, GA 30705-6076

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES, LLC

This 8th day of December, 2021

_____/s/
K. Edward Safir,
Chapter 13 Trustee
GA Bar No. 622149

K. Edward Safir, Chapter 13 Trustee
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